IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6057 OF 2005

Sachin Mohan Chavan ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.M.S.Mohite for the Applicant
Ms M.M.Deshmukh,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 26,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The learned Advocate for the Applicant submitted that investigation is completed long back. He submitted that considering the injury certificate of the injured person offence under section 307 is not attracted. He submitted that while in police custody the applicant received injury. He placed reliance on the medical certificate of K.N.P. General Hospital, Satara. The learned A.P.P. submitted that while in custody the Applicant tried to escape on 2nd April 2005 and he was caught by the police. The learned A.P.P. submitted that looking to the case of the Applicant, no case is made out for grant of relief.

2. I have considered the submissions. The injury certificate shows that the complainant has sustained three injuries which are simple in nature. There is no recovery made at the instance of the Applicant.

3. My attention has been invited to the F.I.R. registered on 2nd April 2005. It records the grievance that on that day the Applicant tried to escape from the custody when he was being taken for investigation. The said allegation is countered by the Advocate appearing for the Applicant by placing reliance on injury certificate dated 24th April 2005 which shows that on 2nd April 2005 the Applicant had one C.L.W. near left eye caused by hard and blunt object. The case of the Applicant is that the Applicant was assaulted while he was in custody and to cover up the assault false F.I.R. has been registered on 2nd April 2005.

4. The Applicant is in custody from 25th March 2005. Charge sheet has been filed on 29th April 2005. No criminal antecedents of the Applicant are brought on record except for one conviction for rash and negligent driving. A case is made out for enlarging the Applicant on bail subject to stringent conditions :

5. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with C.R.No.103 of 2005 registered at Satara City Police Station, subject to furnishing a personal bond of Rs.15,000/- (Rupees fifteen thousand only) with one or two sureties in the like amount.

ii) The bail is granted subject to the condition that the Applicant will report to the concerned Police station on every Sunday at 11.00 a.m. till conclusion of the trial. Failure to comply with the condition will entitle the prosecution to apply for cancellation of bail.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE